SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) NO. 6729 / 2006

Petitioner : Rajesh Kumar Verma
S/O Late Shri Brijlal Verma
Aged about 39 years
R/O Vill. Palari
At present : Choubey Colony
Raipur Distt. Raipur (C.G.)

P.R. No. 6429/06
Presented by Sahtosh Bhawal
dated 26/11/06

Versus

Respondents :
1. Board Of Revenue
Circuit Court Raipur (C.G.)
2. The Additional Collector
Baloda Bazar Distt. Raipur (C.G.)
3. The Tehsildar
Palari Distt. Raipur (C.G.)
4. Omprakash Khunte
S/O Shri Punitram Khunte
5. Anuradha
D/O Shri Punitram Khunte
6. Amarnath
S/O Shri Punitram Khunte
Res. No. 4to6 R/O Vill. Palari
Teh. Palari Distt. Raipur
7. R.K.Chandrakar
S/O Shri R. Chandrakar
R/O Katora Talab Raipur
Teh.& Distt. Raipur(C.G.)

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WRIT PETITION U/A 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(56)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 6729/**सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.01.2007 Shri Prafull Bharat, learned counsel for the petitioner. Heard. The petitioner has filed this petition against the order dated 31.07.2006 of Annexure P/3 of Board of Revenue whereby the revision preferred by the petitioner against the order of Additional Collector, Baloda Bazar has been rejected and the matter has been remanded back to the Tahsildar, Pallari for final orders in the mutation proceedings pending between the parties. Learned counsel for the petitioner submits that while disposing of the revenue proceedings certain observations were made by the Board of revenue which may adversely affect the title of the petitioner as Civil Suit is already pending before the Second Additional District Judge, Baloda Bazar between the parties with respect to the disputed land. The order of the Board of revenue mentions that the title of the disputed land has already been decided by the competent Civil Court which is contrary to the material available on record and therefore the impugned order deserves to be quashed. I have heard learned counsel for the petitioner. I have perused the impugned order. It is not disputed that brother of the petitioner had transferred the disputed land in favour of respondents No. 4 to 7 and the application filed by	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(57)

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the petitioner for grant of temporary injunction was rejected by the trial Court. The petitioner has filed a Civil Suit in the Court of Second Additional District Judge, Baloda Bazar against his brother as also against respondents No. 4 to 7 for declaration of his title over the suit land and in the said suit the application for temporary injunction by the petitioner has been rejected. Considering the fact that the suit for declaration of title is pending before the learned Second Additional District Judge, Baloda Bazar in which the title of the disputed land is to be adjudicated this Court is of the considered opinion that the jurisdiction exercised by the Board of revenue while passing the impugned order shall not occasion failure of justice or grave injustice which calls for interference by this Court under Article 227 of the Constitution of India. For the aforesaid reasons the petition is hereby dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

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